

REMARKS

The claims to be examined in this continued examination proceeding, are set forth on pages 22-25 of Applicant's Response to Final Action dated April 11, 2002, with the addition of claims 39 and 40 as set forth above.

Claim 39 recites the preheat time period of "15 seconds or less" appearing in claim 1 of U.S. patent No. 5,776,305, which matured from U.S. Patent Application No. 08/736,366 the disclosure of which was expressly incorporated by reference into the present application.

As previously argued by applicant, if, as the records strongly justifies, the examiner understands the recitation of either "10-25 psi" or "15-25 psi" in applicant's claims, as meaning gauge pressure, none of the references of records teach or suggest a thermo mechanical pulping method, in which, prior to preheating material for a direct feeding into the refiner, the material is first conditioned and compressed in an environment of saturated steam at a pressure above atmospheric. In the Cedarquist patent relied on by the examiner to reject applicant's claims under 35 USC §102 and/or 103, it is clear that preheating and refining occur at a temperature in the range of 130-200 deg. C (corresponding to a gauge pressure above 25 psi), whereas the pretreatment processing of the material prior to preheating is at atmospheric steam conditions corresponding to 0 psi gauge. Furthermore, as applicant previously noted, the process with which Cedarquist is concerned, produces a refined product that is not intended for use in paper making, but rather for fiber board or other coarse grade products where brightness is of little concern.

Applicant also encloses herewith an Information Disclosure Statement bringing to the attention of the examiner a publication that was cited in applicant's corresponding Norwegian application. Also enclosed is a copy of the associated Search Report. This document is similar to Cedarquist, in that the process is intended for defibering of material for use in making fiberboard. The initial pretreatment processing is at atmospheric conditions, followed by preheating and refining at a temperature in the range of 140-190 deg. C. Applicant directs the examiner's attention to page 2 of the

International application, where the different mindset as between the manufacturing of paper making pulp (as with applicant's invention) and coarse pulp such as for fiberboard, is clearly set forth. The different mindset associated with the International application should likewise be implied with respect to Cedarquist.

In furtherance of the prosecution of the application, applicant is willing to qualify in the preamble of each independent claim, that the claimed method is for producing "papermaking pulp". Applicant requests that the examiner telephone the undersigned to discuss this particular point.

Applicant also notes that a Notice of Appeal was timely filed for this application, including the necessary fee. This Appeal should be held in abeyance until the examiner has had an opportunity to fully consider the present request for continued examination, so that applicant be afforded a full opportunity to prosecute until allowance or until all grounds for rejection are ripe for appeal.

Respectfully submitted,
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